

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Doctors for Drug Policy Reform, *et al.*,
Petitioners,

No. 24-1365

v.

Drug Enforcement Agency, *et al.*,
Respondents.

CONSENT MOTION TO MODIFY THE BRIEFING SCHEDULE

Respondents move for a 3-day extension of time, to and including March 20, 2025, in which to file the answering brief in this case. To preserve the 21 days petitioners' have to prepare their reply brief (currently due April 7), we also ask that the Court extend the deadline for the reply brief 3 days, to and including April 10, 2025. I certify that counsel for petitioners consents to this request.

1. This case arises from an ongoing rulemaking under the Controlled Substances Act to consider whether marijuana should be rescheduled. Petitioners submitted a written comment in favor of rescheduling, but they were not among those selected to participate in the formal rulemaking hearing to give testimony, present argument, and cross-examine witnesses. Petitioners challenge the decision to not select them.

2. The petition for review was filed on November 27, 2024, and the Court ordered petitioners to file their opening brief on February 10, 2025. Order at 2 (D.C. Cir. Jan. 10, 2025). Petitioners requested a 30-day extension to file their opening brief, which respondents consented to. This Court partially granted that motion, extending petitioners' deadline 4 days to and including February 14, 2025. Order at 1 (D.C. Cir. Feb. 7, 2025). The Court also ordered that the answering brief be filed by March 17, 2025, and the reply brief be filed April 7, 2025. *Id.* at 1-2. Petitioners filed their opening brief on Monday February 17, 2025. (Undersigned counsel understands that there were technical issues with the ECF system that preventing some filings on the evening of February 14, when the opening brief was due).

3. There is good cause for the requested 3-day extension for the answering brief, to and including March 20, 2025. Respondents have not previously requested an extension of time. The undersigned attorney with responsibility for drafting the answering brief has also been responsible for the following matters during the time in which to prepare the answering brief: brief for the petitioners in *Kennedy v. Braidwood Management, Inc.*, No. 24-316 (U.S. Feb. 18, 2025); oral argument in *Axalta Coating Systems v. FAA*, No. 23-2376 (3d Cir. Feb. 20, 2025); motion for stay pending

appeal, *Dellinger v. Bessent*, No. 25-5052 (D.C. Cir. Mar. 3, 2025); oral argument in *Koletas v. United States*, No. 24-10545 (11th Cir. March 4, 2025); motion for stay pending appeal, *Harris v. Bessent*, No. 25-5055 (D.C. Cir. Mar. 6, 2025); motion for stay pending appeal, *Wilcox v. Trump*, No. 25-5057 (D.C. Cir. Mar. 10, 2025).

4. Petitioners' counsel consents to the requested extension, provided that petitioner preserves the 21-day period in which to prepare the reply brief. Accordingly, we also request that the deadline for the reply brief be extended 3 days, to and including April 10, 2025.

CONCLUSION

For these reasons, respondents respectfully request a 3-day extension of time in which to file the answering and reply briefs, such that the answering brief will be due on March 20, 20205, and the reply brief will be due April 10, 20205.

Respectfully submitted,

/s/ Daniel Aguilar
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March 11, 2025

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the length limitations of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 506 words. I also certify that it complies with the typeface and style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) because it has been prepared in Georgia, a proportionally spaced typeface, in 14-point font.

/s/ Daniel Aguilar
Daniel Aguilar

CERTIFICATE AS TO PARTIES

Under D.C. Circuit Rule 28(a)(1), I certify the following:

A. Parties and Amici

All parties appearing in the agency proceeding and in this court are listed in Petitioners' Brief. There have been no amici or intervenors.

/s/ Daniel Aguilar
Daniel Aguilar